

REMARKS

A. Rejections Under 35 U.S.C. § 112, first paragraph

The Examiner rejected claims 1-5, 8, and 9 under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement due to the phrases “non-threaded guide” and “first holding plate to continuously slide”, both of which were included in claim 1.

By the amendments made herein, both phrases have been removed from claim 1 thereby obviating its rejection and the rejection of depending claims 2-5, 8, and 9. Related sections of the specification, i.e., paragraph 14, has been amended in accordance with the amendments to claim 1.

B. Rejections Under 35 U.S.C. § 102(b)

The Examiner rejected claims 1-3, 8, and 9 under 35 U.S.C. § 102(b) as anticipated by Japanese Patent No. JP2002177895, issued to Masahiko (“Masahiko”).

As currently amended, independent claim 1 is limited to a device that includes “a vertical guide joined with the first holding plate, the vertical guide being configured to allow the first holding plate to vertically self-adjust to a position proximate the cleaning cartridge.”

Additionally, independent claim 1 is amended herein to clarify that “the first holding plate is self-adjusted along the vertical guide to the position proximate to the cleaning cartridge by bringing a surface of the probe head assembly into contact with the upper surface of the cleaning cartridge.”

Support for the amendments to claim 1 and related amendments to amended paragraph 14 of the specification is found in the following: 1) FIGS. 4A and 4C as amended – see element 31 in FIG. 4B; 2) paragraph 14 as amended herein – “In one embodiment, top holding plate 20 is joined with a vertical guide 31. Vertical guide 31 is configured to allow top holding plate 20 to vertically self-adjust from the open position shown in FIG. 4A to the closed position shown in FIG. 4C, which is proximate cleaning cartridge 40”; 3) original paragraph 15 – “surface 64 of the probe head assembly 60 rests on the upper surface 48 of the cartridge 40 which, in turn, determines penetration of the probe pins 62 into the absorbent pad 46”; and 4) original paragraph

19 – “[a]djustments or measurements are not needed to achieve an appropriate penetration of the probe pins into the cleaning pad.”

In contrast, as illustrated in FIGS. 2 and 5 of Masahiko, Masahiko relies on a *manual* dial and *threaded* screw to vertically adjust the probe pins, rather than a vertical guide that is configured to allow the top holding plate and thus the depth of penetration of the probe pins to vertically self-adjust. Accordingly, Masahiko fails to teach or suggest the limitations of claim 1 as currently amended.

Therefore, claim 1 is believed to be in condition for allowance. For at least the same reasons, the balance of the claims, which depend from claim 1, are also believed to be in condition for allowance.

C. Rejections Under 35 U.S.C. § 103(a)

The Examiner rejected claim 4 under 35 U.S.C. § 103(a) as obvious over Masahiko as applied to claim 3. The Examiner also rejected claim 5 under 35 U.S.C. § 103(a) as obvious over Masahiko in view of U.S. Patent No. 5,240,339, issued to DeForest et al.

Claim 1 is now believed to be in condition for allowance. For at least the same reasons, claims 4 and 5, which depend from claim 1, are also believed to be in condition for allowance.

D. Summary

In the present Office Action, claims 1-5, 8, and 9 were examined. Claims 1-5, 8, and 9 are rejected. Claim 1 is amended. Claims 1-5, 8, and 9 are presented for consideration.

Based on the remarks above, Applicants submit that none of the references, alone or in combination, anticipates or makes obvious the invention as presently claimed and that the application is now in condition for allowance. Therefore, Applicants respectfully request reconsideration and further examination of the application and the Examiner is respectfully requested to issue a Notice of Allowance at the earliest possible date.

If the Examiner has any questions or believes that a discussion with Applicants' attorney would expedite prosecution, the Examiner is invited and encouraged to contact the undersigned at the telephone number below.

Please apply any credits or charge any deficiencies to our Deposit Account No. 23-1665.

Respectfully submitted,
William H. Fulton et al.

Date: September 19, 2007

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